

REMARKS/ARGUMENTS

Applicant is grateful for the indication that claims 1-7, 15, 16, 32 and 34 are allowable. Applicant has canceled claims 12 and 14. Applicant herewith submits arguments that the remaining unallowed claims 10, 11 and 13 do not disclose new matter.

Claims 10, 11 and 13 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection. It appears that the Examiner has construed Claim 10 in an inappropriately narrow way. Claim 10 recites that linking sequence is cleavable by acid digestion. Claim 1, from which Claim 10 depends, recited that the linking sequence is cleavable by a protease. Thus, Claim 10 recites a polypeptide cleavable in either one of two ways – protease or acid digestion.

A. CLAIM REJECTIONS UNDER 35 USC §112, FIRST PARAGRAPH

Claims 10, 11 and 13 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection. It appears that the Examiner has construed Claim 10 in an inappropriately narrow way. Claim 10 recites that linking sequence is cleavable by acid digestion. Claim 1, from which Claim 10 depends, recited that the linking sequence is cleavable by a protease. Thus, Claim 10 recites a polypeptide cleavable in either one of two ways – protease or acid digestion.

Contrary to the Examiner's assertions, the specification clearly supports the limitations of Claims 10, 11 and 13. Paragraph [0035] of the detailed description, first sentence, discusses how Asp-Pro (a linking sequence recited in Claim 11 and a part of Seq. ID No 9 in Claim 13) is an amino acid cleavage site which can be cleavable "at that site [either] by the chemical agent or enzyme". The second sentence of paragraph [0035] discussed how Asp-Pro can be cleavable by acid. Paragraphs [0041] and [0042] also recite numerous ways that the polypeptide may be cleaved.

Clearly such an amino acid linking sequence is capable of cleavage either by a protease or by acid digestion. Suitable examples of enzymes which could cleave the Asp-Pro site are readily apparent to those skilled in the art and include Endoproteinase AspN, for example. Endoproteinase AspN (flavastacin) is a zinc metalloendopeptidase which selectively cleaves peptide bonds N-terminal to aspartic acid residues. There are no internal Asp residues in the monomer or tetramer (outside linkers), either in SEQ ID No: 1 (recited in Claim 1 from which Claims 10-11 ultimately depend) or SEQ ID No: 9 (recited in Claim 13). Therefore cleavage advantageously will be linker specific. Since these claims are amply supported and described by the specification Applicant respectfully requests that this rejection be withdrawn and that the claims be granted.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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